

July 12, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of }  
PUBLIC SERVICE COMPANY OF } Docket Nos. 50-443 OL  
NEW HAMPSHIRE, et al. } 50-444 OL  
(Seabrook Station, Units 1 and 2) }

NRC STAFF RESPONSE TO CONTENTIONS ON THE NEW  
HAMPSHIRE RADILOGICAL EMERGENCY RESPONSE PLAN FILED  
BY THE ATTORNEY GENERAL OF MASSACHUSETTS, SEACOAST ANTI-  
POLLUTION LEAGUE, AND NEW ENGLAND COALITION ON NUCLEAR POLLUTION

I. INTRODUCTION

Timely contentions addressing the adequacy of the State of New Hampshire's Radiological Emergency Response Plan ("NHRERP") were filed by the Attorney General of the Commonwealth of Massachusetts ("Massachusetts") on June 23, 1983; by the Seacoast Anti-Pollution League ("SAPL") on June 22, 1983; and New England Coalition on Nuclear Pollution ("NECP") on June 27, 1983. The Staff herein responds to those contentions.<sup>1/</sup>

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<sup>1/</sup> Because Massachusetts submitted its contentions by express mail, the Staff response to that party's contentions was originally due on July 11, 1983. The Staff requested and was granted a one-day extension of time for its response to Massachusetts.

DESIGNATED ORIGINAL  
Certified By *[Signature]*

## II. ADMISSIBILITY OF CONTENTIONS IN GENERAL

In order for proposed contentions to be found admissible, they must fall within the scope of the issues set forth in the Notice of Hearing initiating the proceeding, and comply with requirements of 10 C.F.R. § 2.714(b) and applicable Commission case law. See, e.g., Duke Power Company (Catawba Station, Units 1 and 2), CLI-83-19, 17 NRC \_\_\_\_ (June 30, 1983); Northern States Power Co. (Prairie Island, Unit Nos. 1 and 2), ALAB-107, 6 AEC 188, 194 (1973), aff'd, BPI v. Atomic Energy Commission, 502 F.2d 424, 429 (D.C. Cir. 1974); Duquesne Light Co. (Beaver Valley, Unit No. 1), ALAB-109, 6 AEC 243, 245 (1973). 10 C.F.R. § 2.714(b) requires that a list of contentions which intervenors seek to have litigated be filed along with the bases for those contentions set forth with reasonable specificity.<sup>2/</sup> The purposes of the bases requirements of 10 C.F.R. § 2.714 are (1) to assure that the contention in question does

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2/ A contention must be rejected where:

- (a) it constitutes an attack on applicable statutory requirements;
- (b) it challenges the basic structure of the Commission's regulatory process or is an attack on the regulations;
- (c) it is nothing more than a generalization regarding the intervenor's views of what applicable policies ought to be;
- (d) it seeks to raise an issue which is not proper for adjudication in the proceeding or does not apply to the facility in question; or
- (d) it seeks to raise an issue which is not concrete or litigable.

Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 AEC 13, 20-21 (1974).

not suffer from any of the deficiencies enumerated in the Peach Bottom decision, supra, n.2, (2) to establish sufficient foundation for the contention to warrant further inquiry of the subject matter in the proceeding, and (3) to put the other parties sufficiently on notice "so that they will know at least generally what they will have to defend against or oppose." Peach Bottom, supra, 8 AEC at 20. From the standpoint of basis, it is unnecessary for the petition "to detail the evidence which will be offered in support of each contention." Mississippi Power & Light Co. (Grand Gulf Nuclear Station, Units 1 and 2), ALAB-130, 6 AEC 423, 426 (1973). Furthermore, in examining the contentions and the bases therefor, a licensing board should not reach the merits of the contentions. Duke Power Co. (Amendment To Materials License SNM-1773 - Transportation of Spent Fuel From Oconee Nuclear Station for Storage at McGuire Nuclear Station), ALAB-528, 9 NRC 146, 151 (1979); Peach Bottom, supra, 8 AEC at 20; Grand Gulf, supra, 6 AEC at 426.

Thus, at the petition stage, although petitioners need not establish the validity of their contentions and the bases therefor, it is incumbent upon petitioners to set forth contentions and the bases therefor which are sufficiently detailed and specific to demonstrate that the issues raised are admissible and that further inquiry is warranted, and to put the other parties on notice as to what they will have to defend against or oppose.

A noteworthy Appeal Board decision governing the admissibility of contentions is Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590, 11 NRC 542 (1980). In Allens Creek, the Appeal Board overturned the Licensing Board's

rejection, in an unpublished Order,<sup>3/</sup> of a contention alleging that a marine biomass farm would be environmentally preferable to the proposed Allens Creek facility. According to the Appeal Board, the Licensing Board erred in holding that as a requisite to putting into litigation the marine biomass alternative (and the Staff's failure to have considered it), the petitioner was required not merely to allege that the alternative would be environmentally preferable but also to explain why that would be so. 11 NRC at 547. The Appeal Board held that the Licensing Board's holding could not be squared with its 1973 decision in Grand Gulf, ALAB-130, supra, and therefore, the teachings of Grand Gulf mandated reversal of the Licensing Board's determination. More specifically, the Appeal Board stated that all that was required at the petition stage was that petitioner:

. . . state his reasons (i.e., the basis) for his contention that the biomass alternative should receive additional consideration. That responsibility was sufficiently discharged by his references to Project Independence and his assertion respecting the environmental superiority of a marine biomass farm. 11 NRC at 548-549.

It is noteworthy that the Appeal Board's determination that the petitioner must be admitted to the proceeding on the strength of his contention "does not carry with it any implication that [the Board] view[s] the contention to be meritorious . . ." 11 NRC at 549.

Moreover, the Appeal Board emphasized that whether the petitioner will be able to prove the assertions underlying the contention is quite beside the point at this preliminary stage of the proceeding. 11 NRC

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<sup>3/</sup> Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1), Unpublished Order of March 10, 1980.

at 549. According to the Appeal Board, it did not follow that this contention would have to be taken up at an evidentiary hearing on the Allens Creek application, since:

. . . the Section 2.749 summary disposition procedures provide, in reality as well as in theory, an efficacious means of avoiding unnecessary and possibly time-consuming hearings on demonstrably insubstantial issues . . . 11 NRC at 550.

ALAB-590 did not purport to alter the existing precedent governing the admissibility of contentions. Rather, it merely emphasized that in ruling on the admissibility of contentions, a licensing board is not to venture beyond the contention and its stated basis into the merits of the contention. All that a licensing board need determine is whether there is a basis for the contention set forth with reasonable specificity. Any question concerning the validity of the contention or of its basis must be left for consideration when the merits of the controversy are reached, i.e., through summary disposition or in the evidentiary hearing.

### III. GENERAL COMMENTS

Before addressing the specific contentions of each intervenor, a few general comments are in order. In many instances, Massachusetts, SAPL, and NECPN have cited NUREG-0654 as if that document constituted a regulatory requirement. While NUREG-0654 provides guidance on how to meet the standards of 10 C.F.R. § 50.47, it is compliance with that latter regulation and not NUREG-0654 that is required. NUREG-0654 is accorded the status of a regulatory guide, not a regulation.

Metropolitan Edison Company, et al. (Three Mile Island Station, Unit No. 1), ALAB-698, 16 NRC \_\_\_\_ (October 22, 1982) (slip op. at 14-15).

While the Staff has no objection to the admission of most of the contentions propounded by the three parties, it does suggest that many of those contentions should be refined before actual litigation begins. In particular, many of the contentions actually contain a number of different challenges to the NHRERP, and should be subdivided accordingly. After such subdivision takes place, it may be that many of the contentions propounded by different parties can be consolidated.

#### IV. MASSACHUSETTS CONTENTIONS

##### MASSACHUSETTS CONTENTION I

The NRC staff does not object to the admission of this contention, which raises the question of whether NHRERP adequately assesses the State's emergency response needs and resources available to meet those needs in specified areas. To facilitate the litigation of this contention, however, the Staff suggests that it be treated as containing ten separate subcontentions, I.A-I.K, each of which would correspond to the areas of concern set forth in the statement of the contention. The reorganized contention would appear as follows:

##### Massachusetts Contention I

The New Hampshire Radiological Emergency Response Plan does not satisfy the requirements of 10 C.F.R. § 50.47(b)(1), (8), (9), or (12) because there has been no assessment of the State's emergency response needs and resources or satisfaction of its resources requirements in the following areas:

- A. Overall emergency transportation;
- B. Transportation for special facilities, schools, and people with special needs or without private transportation;
- C. Emergency medical transportation;
- D. Medical treatment for contaminated injured individuals;
- E. Radiological monitoring and assessment equipment;

- F. Dosimeters and respiratory equipment for emergency workers;
- G. Manpower for traffic management and access control;
- H. Manpower for emergency transportation;
- I. Manpower for security operations;
- J. Manpower for emergency maintenance of evacuation routes and response to abandoned vehicles, traffic accidents, and other obstructions to evacuating traffic flow; and
- K. Manpower for staffing of emergency response facilities.

In the absence of an assessment and satisfaction of the State's requirements in these areas, there can be no "reasonable assurance that adequate protective measures can and will be taken" to protect persons present in the State of New Hampshire in the event of a radiological emergency at Seabrook Station, as required by 10 C.F.R. § 50.47(a)(1).

#### MASSACHUSETTS CONTENTION II

The Staff does not object to the admission of this contention, which asserts that the NHRERP does not satisfy the requirements of 10 C.F.R. § 50.47(b)(4) because it contains no emergency action level scheme.

#### MASSACHUSETTS CONTENTION III

The Staff does not object to the admission of this contention, which challenges the adequacy of emergency notification and communications provisions in the Plan. The Staff notes, however, that the contention challenges compliance with two separate regulatory requirements, and should therefore be treated as two separate subcontentions, as follows:

##### Massachusetts Contention III

A. The New Hampshire Radiological Emergency Response Plan does not establish procedures for notification of emergency personnel by the response organizations in the state, as required by 10 C.F.R. § 50.47(b)(5).

B. The New Hampshire Radiological Emergency Response Plan does not demonstrate that provisions exist for prompt communications among principal response organizations to emergency personnel and to the public, as required by 10 C.F.R. § 50.49(b)(6).

MASSACHUSETTS CONTENTION IV

Massachusetts Contention IV challenges the sufficiency of the Plan's provisions for protective actions for emergency workers and the public under the requirements of 10 C.F.R. § 50.47(b)(10). The Staff does not object to the admission of this contention, but urges the Board to treat it as containing seven separate subcontentions to facilitate litigation of the separate issues raised therein. The reorganized contention would read as follows:

Massachusetts Contention IV

Protective actions for emergency workers have not been sufficiently developed pursuant to 10 C.F.R. § 50.47(b)(10). Specifically:

- A. No evacuation routes, traffic access or control points, or reception centers have been established;
- B. Evacuation time estimates contained in the plan are inaccurate and fail to provide information needed by protective action decision makers; 4/
- C. No plans have been made for the evacuation of special institutions (including schools) or people with special needs or dependent on public transportation;
- D. No plans have been made for decontamination of all persons and vehicles exposed to radiation;
- E. No plans have been made for sheltering the summer beach population or those seasonal residents whose homes provide inadequate shielding from radionuclides;
- F. The plan provides insufficient basis for protective action decisionmaking; and
- G. The plan lacks adequate provisions for controlling the radiological exposure of emergency response personnel.

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4/ While the Staff does not object to the admission of Contention IV.B, this subcontention should be treated the same as SAPL Contention 4, discussed on p. 13, infra.

MASSACHUSETTS CONTENTION V

Massachusetts Contention V asserts that in the absence of calculations as to the mean numbers of specified health effects<sup>5/</sup> associated with PWR-1 to PWR-9 accidental releases or SST-1 to SST-3 accidents at the Seabrook Station, the Commission cannot assess the effectiveness of evacuation or sheltering in minimizing radiological exposures, and therefore cannot find that there is reasonable assurance that protective measures can and will be taken in the event of an emergency, or that State and local emergency plans are adequate and can be implemented, as required by 10 C.F.R. § 50.47(a)(1), (a)(2).

The Staff opposes the admission of Massachusetts Contention V because there is no regulatory basis for its assertion that such calculations are required.

As is explained in NUREG-0654,<sup>6/</sup> the "overall objective of emergency response plans is to provide dose savings (and in some cases, immediate

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- 5/ The health effects specified by the Attorney General are early fatalities and injuries, delayed fatalities and injuries, and genetic and developmental defects. See "Contentions of Attorney General Francis X. Bellotti Relative to Emergency Planning for the State of New Hampshire," at page 23. The Attorney General further asserts that such calculations must be "based on realistic evacuation time estimates and shielding factors, reflecting the peak transient population within the EPZ, and accounting for population growth over the lifetime of the plant." Id., at pages 23-24.
  - 6/ NUREG-0654; FEMA-REP-1, entitled "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," November 1980.

life saving) for a spectrum of accidents that could produce offsite doses in excess of Protective Action Guides (PAGs)." Introduction to NUREG-0654, at page 6. The adequacy of protective measures is therefore judged by their effectiveness in providing dose savings. The Commission has established standards by which the effectiveness of emergency response plans is measured, in 10 C.F.R. § 50.47(b)(1) through (b)(16). There is no mention in those standards, nor in the criteria of NUREG-0654 referenced therein, of the calculations specified in Massachusetts Contention V.<sup>7/</sup> Nor is there any reason why such data ought to be considered in assessing either the adequacy of protective measures or in determining that there is reasonable assurance that they can be implemented. The information that is essential to the assessment of an emergency plan's effectiveness is that information that addresses the standards set forth in 10 C.F.R. § 50.47(b)(1) through (b)(16). Regardless of what numbers might result from the calculations called for by the Attorney General, measures must be developed pursuant to those standards in order to minimize harmful exposure of the population to radionuclides. The calculations called for in Massachusetts Contention V are irrelevant to an assessment of the New Hampshire Radiological Emergency Response Plan, and are not required

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<sup>7/</sup> It should be noted, however, that the consequences of a full range of possible accidents, including a core melt, were included in the planning basis for NUREG-0654. See NUREG-0654, at pp. 6-7. Thus, protective measures developed in accordance with the criteria of NUREG-0654 are grounded on a consideration of these consequences and are responsive thereto.

by the Commission's regulations.<sup>8/</sup> The Staff therefore opposes the admission of Massachusetts Contention V.

V. SAPL CONTENTIONS

CONTENTION 1

In this contention, SAPL broadly challenges the NHRERP by asserting a general lack of completeness of the document. In the basis provided for the contention, SAPL cites nine "of the many incompletions" in the NHRERP. The specific deficiencies identified by SAPL include:

1. Town EOC's have not been set up.
2. State police have not received high-band portable radios.
3. Line of succession has not been established.
4. Radios for field units, especially DPH field monitoring teams, are not yet available.
5. The four-channel emergency medical communication system has not yet been installed.
6. A dispatch center for emergency medical mobile units has not yet been installed.
7. Reception facilities have not yet been designated.
8. Monitoring locations for the Seabrook EPZ have not yet been determined.
9. Decontamination centers have not yet been determined.

The Staff would not object to the admission of the above-listed deficiencies as discrete contentions, but contends that SAPL's contention

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<sup>8/</sup> In fact, these calculations would be necessary in assessing a plan's adequacy only if its adequacy were measured, not by the planning standards set forth in the regulations, but rather by a numerical threshold of deaths or injuries deemed unacceptable. There is, however, no such threshold established by the Commission's regulations for use in assessing the adequacy of emergency plans. Insofar as the Attorney General is arguing in Massachusetts Contention V for the establishment of such a threshold, the contention constitutes an impermissible challenge to the Commission's regulations, and must be rejected on that ground. See Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Units 1 and 2), ALAB-216, 8 AEC 13, 20 (1974).

should be limited to the incompletions cited. A general statement of lack of completeness does not constitute a contention, and the Staff objects to SAPL's originally worded contention on grounds of vagueness and lack of specificity.

CONTENTION 2

In this contention, SAPL raises the issue of the governor's authority under New Hampshire State law to order a protective response. This contention involves only a question of law; there is no factual issue put before the Board. The Staff does not object to the admission of this contention, but believes that it can be completely resolved through the filing of legal briefs. It may be helpful, in this regard, to inquire of the New Hampshire Attorney General that party's views on the governor's authority.

CONTENTION 3

In this contention, SAPL asserts "there is no designation of the role of each organization and sub-organization in the NHRERP." In the basis, SAPL explains the contention as follows: "The plan fails to define the role of the municipal corporations in the plan and fails to acknowledge the lack of town plans." The contention as worded is overbroad; the role of many organizations and suborganizations is in fact designated in the NHRERP. See NHRERP §§ 1.2 and 1.3. The Staff would not object to an otherwise properly worded contention specifically asserting the NHRERP's failure to define the role of municipal corporations in the plan. The Staff also would not object at this point to an otherwise properly worded

contention asserting the nonexistence of local plans. But see Staff Response to NECP Contentions 2, p. 16, infra. The Staff does, however, object to the contention as presently worded.

#### CONTENTION 4

SAPL here asserts that the time estimates in the NHRERP (which are identical to Applicants' estimates) are unreliable and underestimated. This identical issue has been raised by NECP in its Contentions III.12 and III.13 which are being addressed at Phase I of this hearing. SAPL received the NHRERP in May, a point at which it would have been possible to consolidate SAPL's interest in this issue with NECP Contentions III.12 and III.13. Instead, for reasons of its own choosing, SAPL chose to defer showing its interest in the evacuation time estimates until it filed its contentions on the NHRERP. The contention raises a litigable issue, and the Staff does not object to its admission. The Staff is, however, of the view that the Board should not and need not relitigate this issue and that summary disposition of this contention would be appropriate unless SAPL can affirmatively demonstrate why the litigation in Phase I should not be dispositive of SAPL's contention in Phase II.

#### CONTENTION 5

In this contention, SAPL asserts that the NHRERP fails to show that 24 hour per day capability exists to determine doses received by emergency personnel. In the "Basis" provided by SAPL for the contention, SAPL identifies two separate concerns: the adequacy and sufficiency of monitoring equipment; and the staffing capacity of the Division of Public

Health to monitor and evaluate emergency personnel exposure. The Staff has no objection to the admission of this contention, but suggests that it be divided into its two separate parts.

CONTENTION 6

Contention 6 raises two discrete issues: the adequacy of decontamination measures for emergency personnel and their equipment; and the means of disposing of contaminated waste or materials associated with emergency personnel. The Staff does not object to the admission of this contention, but suggests that it be subdivided into its two separate parts.

CONTENTION 7

This contention challenges the provision for emergency response exercises on the ground that the NHRERP does not call for any unannounced exercises. The Staff does not object to the admission of this contention.

CONTENTION 8

Contention 8 asserts inadequate measures to protect the public from contamination through the ingestion exposure pathway. The Staff does not object to the admission of this contention.

CONTENTION 9

Contention 9 raises a number of challenges to the provisions for registering and monitoring evacuees at relocation centers. The Staff does not object to the admission of this contention.

VI. NECNP CONTENTIONS

CONTENTION 1

NECNP Contention 1 asserts that the NHRERP violates 10 C.F.R. § 50.47(a)(1) and NUREG-0654 in that it does not include detailed implementing procedures. A similar contention addressing implementing procedures in an applicant's on-site emergency plan was recently discussed by the Appeal Board in Waterford.<sup>9/</sup> The Appeal Board in Waterford noted the essentially predictive nature of emergency planning decisions (slip op. at 44-48), and determined that the on-site implementing procedures are not needed for the Commission to make the requisite finding under 10 C.F.R. § 50.47(a)(1) that "there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency." In sum, the Appeal Board found that "implementing procedures supplement the plans with all the details that will be necessary in the event of an actual emergency" (slip op. at 52), and held:

[T]he Commission never intended the implementing procedures to be required for the "reasonable assurance" finding and thus to be prepared and subject to scrutiny during the hearing. Although there is little "administrative history" on implementing procedures, we believe the Commission did not want licensing hearings to become bogged down with litigation about such details. Instead, the focus should be on whether an applicant's emergency plan itself satisfies the 16 more broadly drafted standards of 10 CFR § 50.47(b). Thus, because Joint Intervenors' complaint about the nonfinality of the implementing procedures amounts to a challenge to the Commission's regulations, we must reject it. See 10 CFR § 2.758, supra note 44.

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<sup>9/</sup> Louisiana Power & Light Company (Waterford Station, Unit 3), ALAB-752, 17 NRC (June 29, 1983).

Id. at 53-54, footnotes omitted. The Staff submits that there is no reason to treat off-site implementing procedures in a different manner from on-site procedures and that the adequacy of the NHRERP can be determined without resort to the implementing procedures. NECPN's Contention 1 is therefore without regulatory basis and must be rejected.

CONTENTION 2

In this contention, NECPN asserts a deficiency in the NHRERP for its reliance on as yet nonexistent local emergency plans. The Staff does not object to the admission of this contention at this time, but it notes that the contention will become moot when all local plans are developed.

CONTENTION 3

NECPN Contention 3 addresses the NHREPP's treatment of arrangements for federal assistance. The Staff does not object to the admission of this contention.

CONTENTION 4

Contention 4 addresses the communications requirements of 10 C.F.R. § 50.47(b)(6). In the "Basis" provided for the contention, NECPN lists three specific defects: reliance on commercial telephones for back-up communications; radios for communication with field personnel; and communication with medical emergency services. The Staff has no objection to the admission of this contention, but suggests that it be

divided into three discrete subcontentions corresponding to the three specific defects identified in the basis.

CONTENTION 5

This contention addresses the establishment of relocation centers. The Staff has no objection to the admission of this contention.

CONTENTION 6

This contention addresses the provision of information to the adult transient population. Again, NECNP identifies five specific defects in its "Basis." The Staff has no objection to the admission of the contention, but suggests that it also be divided into five discrete subcontentions corresponding to the specific deficiencies identified in the basis.

CONTENTION 7

This contention addresses early notification and instructions to the public within the EPZ. The "Basis" here identifies four specific deficiencies. The Staff does not object to the admission of the contention, but again suggests that it be subdivided into its four component parts.

CONTENTION 8

This contention asserts staffing inadequacies in response organizations. Five specific areas are covered in the "Basis." The

Staff does not object to the admission of this contention, but suggests that it be subdivided into five subcontentions.

CONTENTION 9

This contention attacks the location of the media center. The Staff has no objection to the admission of this contention.

CONTENTION 10

This contention addresses the NHRERP's treatment of sheltering as a protective action. The Staff does not object to the admission of this contention.

CONTENTION 11

This contention raises the issue of evacuation time estimates, an issue already raised by NECPN in this proceeding. Indeed, NECPN attempts to incorporate by reference its Contentions III.12 and III.13 into Contention 11. Contentions III.12 and III.13 were discussed and modified in the Board's June 30, 1983 Memorandum and Order ruling on summary disposition motions. In addition to reasserting its earlier contentions, NECPN offers three additional bases for its contention.

The Staff believes it would be pointless for the Board to consider NECPN's earlier contentions (as modified in the June 30 Order) as part of NECPN Contention 11, since the adequacy of Applicants' time estimates (which are incorporated into the NHRERP) will already have been litigated

by NECPN. The Staff strongly objects to relitigating the adequacy of Applicants' time estimates in the absence of specific tie-ins with the offsite plans.

As mentioned, NECPN offers three additional bases for the proposition that the estimates are inadequate:

a. The State RERP contains no analysis of whether there are enough buses and bus drivers to evacuate school children in one shift, or whether the buses must return several times to pick up children from schools.

b. The State RERP contains no discussion of traffic patterns in the Seabrook EPZ, including capacity for traffic control; congested intersection; vehicle mix; or roadway capacity.

c. The RERP states that it relies on the assumption that people will evacuate in private vehicles. RERP at 2.6-9. The plan includes no discussion of evacuation of people in hospitals and rest homes, people without automobiles; or people who have been dropped off at the beach by buses that have then left the area.

NECPN Contentions at 19. The Staff contends any new contention by NECPN in the area of evacuation time estimates must be controlled by the litigation of NECPN Contention III.12 and III.13. The Staff views two of the areas cited in NECPN's basis as raising issues partially distinct from NECPN's earlier contentions, but only to the extent that they raise issues addressing the channeling of school children and people without automobiles into the road network. Once the people identified in Basis (a) and (c) are on the roads, the results reached in the litigation of NECPN III.12 and III.13 will attach. Basis (b) quoted above is subsumed within NECPN's Contentions III.12 and III.13; the Staff objects to relitigating this issue under the guise of the NHRERP. The Staff does not object to the admission of a contention challenging the accuracy of the time estimates for evacuation of school children, provided it is clear that this

contention does not entail relitigating the overall time estimates, but only addresses the additional time (if any) needed to evacuate school children. Similarly, the Staff does not object to a contention raising the issue of the additional time needed to evacuate people in hospitals or rest homes, people without automobiles, and people who have been dropped off at the beach by buses that have left the area. The Staff suggests that these two issues (school children and people without cars) be treated as separate contentions. The Staff objects to the remainder of NECP Contentions 11 as duplicative of Contentions III.12 and III.13.

#### CONTENTION 12

NECP Contention 12 addresses offsite radiation monitoring. The Staff does not object to the admission of this contention.

#### CONTENTION 13

NECP Contention 13 addresses the arrangements for medical treatment of contaminated injured individuals. The Staff does not object to the admission of this contention. It notes, however, that pursuant to the Commission's decision in San Onofre,<sup>10/</sup> the arrangements required for onsite personnel and emergency workers are considered sufficient for treatment of members of the general public. Any allegation that additional arrangements are required for the general public would be barred under San Onofre. See Slip Op. at 2.

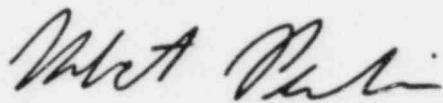
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<sup>10/</sup> Southern California Edison Company, et al. (San Onofre Station, Units 2 & 3), CLI-83-10, 17 NRC (April 4, 1983).

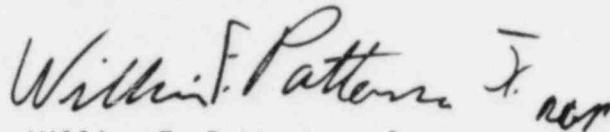
VII. CONCLUSION

For the reasons given above, the Staff objects to the admission of Contentions Massachusetts V, SAPL 1 and 3, and NECNP 1; objects to portions of Contention NECNP 11; and does not object to the remainder of the contentions discussed herein.

Respectfully submitted,



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Dated at Bethesda, Maryland  
this 12th day of July, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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PUBLIC SERVICE COMPANY OF  
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(Seabrook Station, Units 1 and 2)

) Docket Nos. 50-443 OL  
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO CONTENTIONS ON THE NEW HAMPSHIRE RADIOLOGICAL EMERGENCY RESPONSE PLAN FILED BY THE ATTORNEY GENERAL OF MASSACHUSETTS, SEACOAST ANTI-POLLUTION LEAGUE, AND NEW ENGLAND COALITION ON NUCLEAR POLLUTION" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated by two asterisks, by express mail or hand delivery, this 12th day of July, 1983:

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